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TOLEDO, FERNANDO L

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER  
2823

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/805,914	LEE, ROGER
	Examiner	Art Unit
	Fernando Toledo	2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 October 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-61 is/are pending in the application.

4a) Of the above claim(s) 43-61 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Disposition of Claims**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 15 March 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6)  Other: \_\_\_\_\_ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, Applicant amended the claim to recite removing portion of said insulating material to expose at least one upper surface of said conductive layer. It is not clear which conductive layer Applicant is referring to. Is it the first conductive layer or the second conductive layer? Examiner assumes is the second conductive layer.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–  
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or  
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1 – 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Sandhu et al. (U. S. patent 6,358,756 B1).

In re claim 1, Sandhu in the U. S. patent 6,358,756 B1; figures 1 – 7 and related text, discloses, forming of several first conductive layers 16 over an insulating layer 12 formed over a substrate; forming several first magnetic layers 20 over the first conductive layers; forming several of second magnetic layers 28 over the first magnetic layers, each of the several of second magnetic layers including a top conductive layer (column 5, lines 40 – 50); removing a portion of the insulating material to expose at least one upper surface of the conductive layer (column 5, lines 55 - 65).

In re claim 2, Sandhu teaches wherein the act of removing portion of the insulating material further includes exposing several of upper surfaces of conductive layers respectively associated with the second magnetic layers (column 5).

In re claim 3, Sandhu shows further including forming nonmagnetic layers between the second magnetic layers and the first magnetic layers (column 4).

In re claim 4, Sandhu explains forming several of second conductors each in electrical connection with several of the exposed upper surfaces of the conductive layers, the several of second conductors running substantially orthogonal to the conductive layers (column 6).

In re claim 5, Sandhu further discloses wherein the act of removing a portion of the insulating material further includes chemical mechanical polishing (CMP) of the insulating material to expose the upper surface of the conductive layer (column 5).

In re claim 6, Sandhu further teaches wherein the conductive layer is formed of a material selected from the group consisting of tungsten nitrogen, tungsten gold, platinum or copper (column 3).

In re claim 7, Sandhu further explains wherein the insulating material is formed of a material selected from the group consisting of silicon nitride and oxides (column 3).

In re claim 8, Sandhu further shows wherein the insulating material is a high temperature polymer (column 3).

In re claim 9, Sandhu additionally discloses wherein the insulating material is a low dielectric constant inorganic material (column 3).

In re claim 10, Sandhu additionally shows wherein the insulating material is silicon nitride (column 3).

In re claim 11, Sandhu additionally teaches wherein the act of forming the first magnetic layers further includes the step of forming a first plurality of stacked layers, the first plurality of stacked layers including at least magnetic material layer (column 4).

In re claim 12, Sandhu additionally explains wherein the magnetic material layer contains a material selected from the group consisting of tantalum, nickel-iron, tungsten-nitrogen, nickel, cobalt-nickel-iron, iron and manganese-iron (column 4).

In re claim 13, Sandhu discloses wherein the first several of stacked layers includes layers of tantalum, nickel-iron and manganese-iron (column 4).

In re claim 14, Sandhu teaches etching the first several of stacked layers to have a width, which coincides with the width of the first conductive layers (column 4).

In re claim 15, Sandhu discloses wherein the act of forming the second magnetic layer further includes forming several second stacked layers, the several second stacked layers including at least one magnetic material layer and the conductive layer (column 5).

In re claim 16, Sandhu discloses wherein the magnetic material layer includes a material selected from the group consisting of tantalum, nickel-iron, tungsten-nitrogen, nickel, cobalt-nickel-iron and manganese-iron (column 5).

In re claim 17, Sandhu discloses wherein the several second stacked layers includes layers of tantalum, nickel-iron and tungsten nitrogen (column 5).

In re claim 18, Sandhu discloses further including etching the several second stacked layers (column 5).

In re claim 19, Sandhu discloses wherein the first magnetic layers have a pinned magnetic orientation (column 4).

In re claim 20, Sandhu discloses wherein the second magnetic layers have a free magnetic orientation (column 5).

In re claim 21, Sandhu discloses forming several of first conductive layers 16 over an insulating layer formed over the semiconductor substrate (column 3); forming several of first magnetic layers 20 over the first conductive layers (column 4); forming several of second magnetic layers 28 over the first magnetic layers, the several of second magnetic layers including respective top conductive layers (column 5); forming an insulating material over the substrate and the several of first and second magnetic layers including the top conductive layers, and in between each several first and second magnetic layers (column 5); removing portions of the insulating material from top conductive layers to expose several of upper surfaces of the top conductive layers associated with the second magnetic layers (column 5); forming several of second conductive layers over respective self aligned contacts, the second conductive layers

running substantially orthogonal to the first magnetic layers; one of the first and second conductive layers being bit lines and the other of the first and second conductive layers being wordlines (column 6).

In re claim 22, Sandhu shows further including forming nonmagnetic layers between the second magnetic layers and the first magnetic layers (column 4).

In re claim 23, Sandhu discloses wherein the nonmagnetic layers are formed of the materials selected from the group consisting of aluminum oxide, titanium oxide, magnesium oxide, silicon dioxide and aluminum nitride (column 4).

In re claim 24, Sandhu discloses wherein the act of forming the insulating material further includes depositing the insulating material (column 5).

In re claim 25, Sandhu further discloses wherein the act of removing a portion of the insulating material further includes chemical mechanical polishing (CMP) of the insulating material to expose the upper surface of the conductive layer (column 5).

In re claim 26, Sandhu further teaches wherein the conductive layer is formed of a material selected from the group consisting of tungsten nitrogen, tungsten gold, platinum or copper (column 3).

In re claim 27, Sandhu teaches wherein at least one of the top conductive layers is formed of tungsten nitride (column 3).

In re claim 28, Sandhu teaches wherein at least one of the top conductive layers is formed of tungsten (column 3).

In re claim 29, Sandhu further explains wherein the insulating material is formed of a material selected from the group consisting of silicon nitride and oxides (column 3).

In re claim 30, Sandhu further shows wherein the insulating material is a high temperature polymer (column 3).

In re claim 31, Sandhu additionally discloses wherein the insulating material is a low dielectric constant inorganic material (column 3).

In re claim 32, Sandhu additionally shows wherein the insulating material is silicon nitride (column 3).

In re claim 33, Sandhu additionally teaches wherein the act of forming the first magnetic layers further includes the step of forming a first plurality of stacked layers, the first plurality of stacked layers including at least magnetic material layer (column 4).

In re claim 34, Sandhu additionally explains wherein the magnetic material layer contains a material selected from the group consisting of tantalum, nickel-iron, tungsten-nitrogen, nickel, cobalt-nickel-iron, iron and manganese-iron (column 4).

In re claim 35, Sandhu discloses wherein the first several of stacked layers includes layers of tantalum, nickel-iron and manganese-iron (column 4).

In re claim 36, Sandhu teaches etching the first several of stacked layers to have a width, which coincides with the width of the first conductive layers (column 4).

In re claim 37, Sandhu discloses wherein the act of forming the second magnetic layer further includes forming several second stacked layers, the several second stacked layers including at least one magnetic material layer and the conductive layer (column 5).

In re claim 38, Sandhu discloses wherein the magnetic material layer includes a material selected from the group consisting of tantalum, nickel-iron, tungsten-nitrogen, nickel, cobalt-nickel-iron and manganese-iron (column 5).

In re claim 39, Sandhu discloses wherein the several second stacked layers includes layers of tantalum, nickel-iron and tungsten nitrogen (column 5).

In re claim 40, Sandhu discloses further including etching the several second stacked layers (column 5).

In re claim 41, Sandhu discloses wherein the first magnetic layers have a pinned magnetic orientation (column 4).

In re claim 42, Sandhu discloses wherein the second magnetic layers have a free magnetic orientation (column 5).

#### *Response to Arguments*

5. Applicant's arguments filed 23 October 2002 have been fully considered but they are not persuasive for the foregoing reasons.

6. Applicant contests that Sandhu fails to teach "forming an insulating material in between each said plurality of first magnetic layers, in between each said plurality of second magnetic layers and over both said first and second magnetic layers."

Examiner respectfully submits that Sandhu shows forming an insulating material **12** in between each said plurality of first magnetic layers, (insulating material **24**) in between each said plurality of second magnetic layers and (insulating material **38**) over both said first and second magnetic layers.

Applicant contests that Sandhu does not expose upper surfaces of conductive layer M2.

Examiner respectfully submits that M2 is the second magnetic layers and that the upper surface of the second conductive layers are exposed (column 5, lines 45 – 60).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fernando Toledo whose telephone number is 703-305-0567. The examiner can normally be reached on Mon-Fri 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 703-306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7382 for regular communications and 703-308-7382 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Fernando Toledo  
Examiner  
Art Unit 2823

ft  
January 8, 2003



Olik Chaudhuri  
Supervisory Patent Examiner  
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